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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,295	07/31/2003	Jeffrey H. Wood	BOEI-1-1203	3327
46020	7590	03/24/2006	EXAMINER	
BLACK LOWE & GRAHAM PLLC 701 FIFTH AVENUE, SUITE 4800 SEATTLE, WA 98104			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,295

Applicant(s)

WOOD ET AL.

Examiner

Tan Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 3,5-11, 13-26 and 28-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,12 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/31/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is the fifth office action for Application 10/633,295. This application remains 43 claims numbered 1-43. Claims 3, 5-11, 13-26 and 28-43 have been withdrawn.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "separation component" as claimed in claim 1 must be shown or the feature canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet; and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 4 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected as being unclear as to whether "the second portion of the utility bracket" alone or in combination with "a second portion of the support structure"? (combination).

Nevertheless, claim 1 is rejected because there is inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. Applicant is required to clarify what the claim is intended to be drawn to i.e, either the bracket alone or the combination of the bracket and the support structure (see the phrase "adhering to the second portion of the support structure (line 7) and the language of the claim be consistent with the intent. In formulating a rejection on the merits, the examiner is still considering that the claim is drawn to the bracket alone. Note that Applicants have now amended claim 1 by introducing the phrase ""the second portion of the support structure" raises the question

of unclear as to whether the "second portion of the utility bracket" or "a second portion of the support structure"?

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4, 12 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent no. 6,195,811 to Dragovic.

Dragovic discloses a bracket comprising a first portion (21) capable of supporting a product; a second portion (23) wherein a second portion includes a separation component (27, 31, 37) configured to separate the second portion from a support structure by a predefined amount, wherein the separation component maintains the separation by a predefined amount throughout a process of adhering to the second portion, wherein the separation component is not located along an entire length of a boundary edge, and wherein the predefined constant amount is based on an adhesive that is applied between the second portion and the support structure; the separation component includes a plurality of dimples (see Fig. 6) and the bracket can be either formed by one of molding or extruding (see also Col. 2, 25-29).

Claims 1-2 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,566,924 to Hara et al.

Hara et al. discloses a fixation of a stud on a work piece (Figs. 4-8 for example) comprising a first portion (2) capable of supporting a product; a second portion (3) wherein a second portion includes a separation component (gap at 7) configured to

separate the second portion from a support structure (5) by a predefined amount, wherein the separation component maintains the separation by a predefined amount throughout a process of adhering to the second portion, wherein the separation component is not located along an entire length of a boundary edge, and wherein the predefined amount based on an adhesive (4) that is applied between the second portion and the support structure; and the bracket can be either formed by one of molding or extruding.

### ***Response to Arguments***

5. Applicant's arguments filed 12/30/05 have been fully considered but they are not persuasive.

With respect to the objection to drawings, Applicants argued that "the separation component" as claimed in claim 1 is shown in Figures 4-6 as element "56". This appears to be contradictory to what Applicants have been described in specification. Item "56" described in specification as "dimple or dimples" protrude from the utility bracket 50 on a convex side of bracket 50" and amended claim 1, it appears that claim 1 can also be interpreted the "separation component" as element "53" (appears to be an adhesive layer) (which fails to adequately describe in specification). Note that Examiner is still maintained the objection to drawings on this regard (shown on drawings but does not describe in specification).

With respect to Applicants' argument on Dragovic and Hara, the arguments are also not found persuasive. Simply because Applicants' arguments based on limitations

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are not found in claims ( see page 8, last para). Dragovic and/ or Hara et al clearly teach all the limitations as claimed as pointed out in the office action. The rejections as being anticipated by Dragovic and Hara et al. are therefore still maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
March 7, 2006.



ANITA KING  
PRIMARY EXAMINER